

Damage to Rental Cars While on TDY

Government travelers on temporary duty (TDY) often are authorized and provided a rental car to perform their official travel. On occasion, the rental cars are damaged, and the rental agency attempts to collect from the traveler for the damage. In the event that you are involved in such an incident, the following information will prove helpful.

First, remember to remain calm. Most people involved in an accident will panic, but bear in mind that the Military Traffic Management Command (MTMC) has negotiated a contract with many rental agencies whereby the rental agency will accept liability for damage to or loss of rental vehicles. Generally, under MTMC insurance coverage, neither you personally nor your personal insurance company is held liable for damages, even if you solely caused the accident.

Take initial steps to avoid insurance coverage problems. What steps can you take to avoid problems? First, choose your car rental agency wisely. To receive the MTMC insurance coverage benefit, you must ensure that you rent from a covered car rental agency. The MTMC contract only provides coverage with certain rental car agencies. You can pick up a list of those rental car providers at the Legal Services Branch in Building 677 on Wilson Avenue. (The list is also available online at www.mtmc.army.mil/travel/car/list.pdf) Subject to limitations, to include those discussed below, the MTMC contract provides rental insurance coverage for rental vehicles used for official business by U.S. military and civilian employees, Government contractors, most NATO military members and employees, and U.S. Government local national employees in some foreign countries. However, coverage is limited to the amount(s) claimed for

- (1) damage to or loss of the rental vehicle;
- (2) \$25,000 property damage to the property of third persons; and
- (3) \$100,000 per person and \$300,000 per incident for personal injury to third parties.

Next, be proactive in documenting your official travel status with the rental agency. To ensure coverage by the MTMC Contract, the traveler should authenticate his/her official travel status by presenting travel orders to the rental agency or by using a Government charge card. In addition, the traveler should note on the rental agreement any other authorized users. While not required by the MTMC Contract, these actions make clear to the rental agency that the MTMC Contract will apply to the rental. Note that the terms of the MTMC Contract supersede any individual rental agreement except where the Government agency rents under a special, promotional government, affinity, or discounted rental program.

While you are out on the road practice courteous, defensive driving habits – there is no substitute for safety on the highway. Remember that changes in traffic patterns may affect your arrival time, so don't wait until the last minute to start your trip. Always allot adequate time to reach your destination without having to rush or disregard applicable traffic rules, regulations and requirements. Everyone has a responsibility for highway safety. The insurance coverage does not represent a release from this responsibility. Accordingly, the MTMC coverage does not provide coverage for charges or damages stemming from (1) illegal activities or willful misconduct of the driver, (2) operation of the vehicle off-road or across international boundaries without authorization, or (3) damages stemming from pushing/towing another vehicle. In addition,

MTMC will not accept liability for traffic tickets, court costs or attorney's fees spent defending a traffic charge, or travel to the TDY site to defend against traffic charges.

If you are involved in an incident with a rental car, contact the nearest military installation claims office. The telephone number for the Fort Monmouth Claims Office is (732) 532-4371 or DSN 992-4371. You will need the following documents: (1) a copy of your TDY orders authorizing a rental car; (2) a copy of your itinerary/settlement voucher; (3) a copy of the rental contract; (4) a copy of a valid driver's license; (5) copies of all known police reports related to the accident; and (6) copies of all known witness statements, if available. The Claims Office will forward all of this paperwork to MTMC, which will in turn contact the rental agency directly and coordinate for repairs to rental vehicles or otherwise resolve the claim. You may refer the rental company to the Claims Office, and claims personnel will take over the matter once you have provided the requested information.

The Point of Contact for this subject in the CECOM Legal Office is Ms. Pamela McArthur, (732) 532-4760, DSN 992-4760.

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